

SB1205



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1205

Introduced 2/11/2015, by Sen. Jason A. Barickman

SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-15
225 ILCS 61/10

Amends the Patients' Right to Know Act. Provides that a physician who has retired from active practice may use the title "Retired" on his or her physician profile. Provides that a retired physician using the title "Retired" on his or her physician profile is not required to provide office addresses or other practice specific information. Makes conforming change in the Civil Administrative Code of Illinois. Effective immediately.

LRB099 03632 HAF 23640 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Professional Regulation Law of
5 the Civil Administrative Code of Illinois is amended by
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for

1 the respective professions, trades, and occupations, what
2 shall constitute a school, college, or university, or
3 department of a university, or other institution,
4 reputable and in good standing, and to determine the
5 reputability and good standing of a school, college, or
6 university, or department of a university, or other
7 institution, reputable and in good standing, by reference
8 to a compliance with those rules and regulations; provided,
9 that no school, college, or university, or department of a
10 university, or other institution that refuses admittance
11 to applicants solely on account of race, color, creed, sex,
12 or national origin shall be considered reputable and in
13 good standing.

14 (5) To conduct hearings on proceedings to revoke,
15 suspend, refuse to renew, place on probationary status, or
16 take other disciplinary action as authorized in any
17 licensing Act administered by the Department with regard to
18 licenses, certificates, or authorities of persons
19 exercising the respective professions, trades, or
20 occupations and to revoke, suspend, refuse to renew, place
21 on probationary status, or take other disciplinary action
22 as authorized in any licensing Act administered by the
23 Department with regard to those licenses, certificates, or
24 authorities. The Department shall issue a monthly
25 disciplinary report. The Department shall deny any license
26 or renewal authorized by the Civil Administrative Code of

1 Illinois to any person who has defaulted on an educational
2 loan or scholarship provided by or guaranteed by the
3 Illinois Student Assistance Commission or any governmental
4 agency of this State; however, the Department may issue a
5 license or renewal if the aforementioned persons have
6 established a satisfactory repayment record as determined
7 by the Illinois Student Assistance Commission or other
8 appropriate governmental agency of this State.
9 Additionally, beginning June 1, 1996, any license issued by
10 the Department may be suspended or revoked if the
11 Department, after the opportunity for a hearing under the
12 appropriate licensing Act, finds that the licensee has
13 failed to make satisfactory repayment to the Illinois
14 Student Assistance Commission for a delinquent or
15 defaulted loan. For the purposes of this Section,
16 "satisfactory repayment record" shall be defined by rule.
17 The Department shall refuse to issue or renew a license to,
18 or shall suspend or revoke a license of, any person who,
19 after receiving notice, fails to comply with a subpoena or
20 warrant relating to a paternity or child support
21 proceeding. However, the Department may issue a license or
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,
24 shall revoke, suspend, or deny any license or renewal
25 authorized by the Civil Administrative Code of Illinois to
26 a person who is certified by the Department of Healthcare

1 and Family Services (formerly Illinois Department of
2 Public Aid) as being more than 30 days delinquent in
3 complying with a child support order or who is certified by
4 a court as being in violation of the Non-Support Punishment
5 Act for more than 60 days. The Department may, however,
6 issue a license or renewal if the person has established a
7 satisfactory repayment record as determined by the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) or if the person is
10 determined by the court to be in compliance with the
11 Non-Support Punishment Act. The Department may implement
12 this paragraph as added by Public Act 89-6 through the use
13 of emergency rules in accordance with Section 5-45 of the
14 Illinois Administrative Procedure Act. For purposes of the
15 Illinois Administrative Procedure Act, the adoption of
16 rules to implement this paragraph shall be considered an
17 emergency and necessary for the public interest, safety,
18 and welfare.

19 (6) To transfer jurisdiction of any realty under the
20 control of the Department to any other department of the
21 State Government or to acquire or accept federal lands when
22 the transfer, acquisition, or acceptance is advantageous
23 to the State and is approved in writing by the Governor.

24 (7) To formulate rules and regulations necessary for
25 the enforcement of any Act administered by the Department.

26 (8) To exchange with the Department of Healthcare and

1 Family Services information that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, or the Illinois Parentage
8 Act of 1984. Notwithstanding any provisions in this Code to
9 the contrary, the Department of Professional Regulation
10 shall not be liable under any federal or State law to any
11 person for any disclosure of information to the Department
12 of Healthcare and Family Services (formerly Illinois
13 Department of Public Aid) under this paragraph (8) or for
14 any other action taken in good faith to comply with the
15 requirements of this paragraph (8).

16 (8.5) To accept continuing education credit for
17 mandated reporter training on how to recognize and report
18 child abuse offered by the Department of Children and
19 Family Services and completed by any person who holds a
20 professional license issued by the Department and who is a
21 mandated reporter under the Abused and Neglected Child
22 Reporting Act. The Department shall adopt any rules
23 necessary to implement this paragraph.

24 (9) To perform other duties prescribed by law.

25 (a-5) Except in cases involving default on an educational
26 loan or scholarship provided by or guaranteed by the Illinois

1 Student Assistance Commission or any governmental agency of
2 this State or in cases involving delinquency in complying with
3 a child support order or violation of the Non-Support
4 Punishment Act, no person or entity whose license, certificate,
5 or authority has been revoked as authorized in any licensing
6 Act administered by the Department may apply for restoration of
7 that license, certification, or authority until 3 years after
8 the effective date of the revocation.

9 (b) The Department may, when a fee is payable to the
10 Department for a wall certificate of registration provided by
11 the Department of Central Management Services, require that
12 portion of the payment for printing and distribution costs be
13 made directly or through the Department to the Department of
14 Central Management Services for deposit into the Paper and
15 Printing Revolving Fund. The remainder shall be deposited into
16 the General Revenue Fund.

17 (c) For the purpose of securing and preparing evidence, and
18 for the purchase of controlled substances, professional
19 services, and equipment necessary for enforcement activities,
20 recoupment of investigative costs, and other activities
21 directed at suppressing the misuse and abuse of controlled
22 substances, including those activities set forth in Sections
23 504 and 508 of the Illinois Controlled Substances Act, the
24 Director and agents appointed and authorized by the Director
25 may expend sums from the Professional Regulation Evidence Fund
26 that the Director deems necessary from the amounts appropriated

1 for that purpose. Those sums may be advanced to the agent when
2 the Director deems that procedure to be in the public interest.
3 Sums for the purchase of controlled substances, professional
4 services, and equipment necessary for enforcement activities
5 and other activities as set forth in this Section shall be
6 advanced to the agent who is to make the purchase from the
7 Professional Regulation Evidence Fund on vouchers signed by the
8 Director. The Director and those agents are authorized to
9 maintain one or more commercial checking accounts with any
10 State banking corporation or corporations organized under or
11 subject to the Illinois Banking Act for the deposit and
12 withdrawal of moneys to be used for the purposes set forth in
13 this Section; provided, that no check may be written nor any
14 withdrawal made from any such account except upon the written
15 signatures of 2 persons designated by the Director to write
16 those checks and make those withdrawals. Vouchers for those
17 expenditures must be signed by the Director. All such
18 expenditures shall be audited by the Director, and the audit
19 shall be submitted to the Department of Central Management
20 Services for approval.

21 (d) Whenever the Department is authorized or required by
22 law to consider some aspect of criminal history record
23 information for the purpose of carrying out its statutory
24 powers and responsibilities, then, upon request and payment of
25 fees in conformance with the requirements of Section 2605-400
26 of the Department of State Police Law (20 ILCS 2605/2605-400),

1 the Department of State Police is authorized to furnish,
2 pursuant to positive identification, the information contained
3 in State files that is necessary to fulfill the request.

4 (e) The provisions of this Section do not apply to private
5 business and vocational schools as defined by Section 15 of the
6 Private Business and Vocational Schools Act of 2012.

7 (f) Beginning July 1, 1995, this Section does not apply to
8 those professions, trades, and occupations licensed under the
9 Real Estate License Act of 2000, nor does it apply to any
10 permits, certificates, or other authorizations to do business
11 provided for in the Land Sales Registration Act of 1989 or the
12 Illinois Real Estate Time-Share Act.

13 (g) Notwithstanding anything that may appear in any
14 individual licensing statute or administrative rule, the
15 Department shall deny any license application or renewal
16 authorized under any licensing Act administered by the
17 Department to any person who has failed to file a return, or to
18 pay the tax, penalty, or interest shown in a filed return, or
19 to pay any final assessment of tax, penalty, or interest, as
20 required by any tax Act administered by the Illinois Department
21 of Revenue, until such time as the requirement of any such tax
22 Act are satisfied; however, the Department may issue a license
23 or renewal if the person has established a satisfactory
24 repayment record as determined by the Illinois Department of
25 Revenue. For the purpose of this Section, "satisfactory
26 repayment record" shall be defined by rule.

1 In addition, a complaint filed with the Department by the
2 Illinois Department of Revenue that includes a certification,
3 signed by its Director or designee, attesting to the amount of
4 the unpaid tax liability or the years for which a return was
5 not filed, or both, is prima facie evidence of the licensee's
6 failure to comply with the tax laws administered by the
7 Illinois Department of Revenue. Upon receipt of that
8 certification, the Department shall, without a hearing,
9 immediately suspend all licenses held by the licensee.
10 Enforcement of the Department's order shall be stayed for 60
11 days. The Department shall provide notice of the suspension to
12 the licensee by mailing a copy of the Department's order by
13 certified and regular mail to the licensee's last known address
14 as registered with the Department. The notice shall advise the
15 licensee that the suspension shall be effective 60 days after
16 the issuance of the Department's order unless the Department
17 receives, from the licensee, a request for a hearing before the
18 Department to dispute the matters contained in the order.

19 Any suspension imposed under this subsection (g) shall be
20 terminated by the Department upon notification from the
21 Illinois Department of Revenue that the licensee is in
22 compliance with all tax laws administered by the Illinois
23 Department of Revenue.

24 The Department shall promulgate rules for the
25 administration of this subsection (g).

26 (h) The Department may grant the title "Retired", to be

1 used immediately adjacent to the title of a profession
2 regulated by the Department, to eligible retirees. For
3 individuals licensed under the Medical Practice Act of 1987,
4 the title "Retired" may be used in the profile required by the
5 Patients' Right to Know Act. The use of the title "Retired"
6 shall not constitute representation of current licensure,
7 registration, or certification. Any person without an active
8 license, registration, or certificate in a profession that
9 requires licensure, registration, or certification shall not
10 be permitted to practice that profession.

11 (i) Within 180 days after December 23, 2009 (the effective
12 date of Public Act 96-852), the Department shall promulgate
13 rules which permit a person with a criminal record, who seeks a
14 license or certificate in an occupation for which a criminal
15 record is not expressly a per se bar, to apply to the
16 Department for a non-binding, advisory opinion to be provided
17 by the Board or body with the authority to issue the license or
18 certificate as to whether his or her criminal record would bar
19 the individual from the licensure or certification sought,
20 should the individual meet all other licensure requirements
21 including, but not limited to, the successful completion of the
22 relevant examinations.

23 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
24 98-850, eff. 1-1-15.)

25 Section 10. The Patients' Right to Know Act is amended by

1 changing Section 10 as follows:

2 (225 ILCS 61/10)

3 Sec. 10. Physician profiles. The Department shall make
4 available to the public a profile of each physician. The
5 Department shall make this information available through an
6 Internet web site and, if requested, in writing. Except as
7 otherwise provided in this Section, the ~~The~~ physician profile
8 shall contain the following information:

9 (1) the full name of the physician;

10 (2) a description of any criminal convictions for
11 felonies and Class A misdemeanors, as determined by the
12 Department, within the most recent 10 years. For the
13 purposes of this Section, a person shall be deemed to be
14 convicted of a crime if he or she pleaded guilty or if he
15 was found or adjudged guilty by a court of competent
16 jurisdiction;

17 (3) a description of any final Department disciplinary
18 actions within the most recent 10 years;

19 (4) a description of any final disciplinary actions by
20 licensing boards in other states within the most recent 10
21 years;

22 (5) a description of revocation or involuntary
23 restriction of hospital privileges for reasons related to
24 competence or character that have been taken by the
25 hospital's governing body or any other official of the

1 hospital after procedural due process has been afforded, or
2 the resignation from or nonrenewal of medical staff
3 membership or the restriction of privileges at a hospital
4 taken in lieu of or in settlement of a pending disciplinary
5 case related to competence or character in that hospital.
6 Only cases which have occurred within the most recent 10
7 years shall be disclosed by the Department to the public;

8 (6) all medical malpractice court judgments and all
9 medical malpractice arbitration awards in which a payment
10 was awarded to a complaining party during the most recent
11 10 years and all settlements of medical malpractice claims
12 in which a payment was made to a complaining party within
13 the most recent 10 years. A medical malpractice judgment or
14 award that has been appealed shall be identified
15 prominently as "Under Appeal" on the profile within 20 days
16 of formal written notice to the Department. Information
17 concerning all settlements shall be accompanied by the
18 following statement: "Settlement of a claim may occur for a
19 variety of reasons which do not necessarily reflect
20 negatively on the professional competence or conduct of the
21 physician. A payment in settlement of a medical malpractice
22 action or claim should not be construed as creating a
23 presumption that medical malpractice has occurred."
24 Nothing in this subdivision (6) shall be construed to limit
25 or prevent the Disciplinary Board from providing further
26 explanatory information regarding the significance of

1 categories in which settlements are reported. Pending
2 malpractice claims shall not be disclosed by the Department
3 to the public. Nothing in this subdivision (6) shall be
4 construed to prevent the Disciplinary Board from
5 investigating and the Department from disciplining a
6 physician on the basis of medical malpractice claims that
7 are pending;

8 (7) names of medical schools attended, dates of
9 attendance, and date of graduation;

10 (8) graduate medical education;

11 (9) specialty board certification. The toll-free
12 number of the American Board of Medical Specialties shall
13 be included to verify current board certification status;

14 (10) number of years in practice and locations;

15 (11) names of the hospitals where the physician has
16 privileges;

17 (12) appointments to medical school faculties and
18 indication as to whether a physician has a responsibility
19 for graduate medical education within the most recent 10
20 years;

21 (13) information regarding publications in
22 peer-reviewed medical literature within the most recent 10
23 years;

24 (14) information regarding professional or community
25 service activities and awards;

26 (15) the location of the physician's primary practice

1 setting;

2 (16) identification of any translating services that
3 may be available at the physician's primary practice
4 location; and

5 (17) an indication of whether the physician
6 participates in the Medicaid program.

7 A physician who has retired from active practice may use
8 the title "Retired" in his or her physician profile. If the
9 physician uses that title in his or her profile, he or she is
10 not required to provide office addresses and other practice
11 specific information.

12 (Source: P.A. 97-280, eff. 8-9-11; 98-210, eff. 1-1-14.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.